

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

HUS HARI BULJIC INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF SEDIKA BULJIC, HONARIO GARCIA INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF REBERIANO LENO GARCIA, AND ARTURO DE JESUS HERNANDEZ AND MIGUEL ANGEL HERNANDEZ AS CO-ADMINISTRATORS OF THE ESTATE OF JOSE LUIS AYALA, JR.,

PLAINTIFFS,

v.

TYSON FOODS, INC., TYSON FRESH MEATS, INC., JOHN H. TYSON, NOEL W. WHITE, DEAN BANKS, STEPHEN R. STOUFFER, TOM BROWER, MARY A. OLEKSIUK, ELIZABETH CROSTON, TOM HART, HAMDIJA BEGANOVIC, JAMES COOK, RAMIZ MUHELJIC, GUSTAVO CABAREA, PUM PISNG, ALEX BUFF, WALTER CIFUENTES, MUWI HLAWNCEU, CODY BRUSTKERN, MARK SMITH, AND JOHN/JANE DOES 1-10,

DEFENDANTS.

Case No. 6:20-cv-02055-KEM

**PLAINTIFFS' UNRESISTED MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs' by and through undersigned counsel, hereby move the Court for an extension of time to respond to Defendants' Motions to Dismiss (Doc. 23 & 24). Defendants do not resist this Motion.

1. On October 9, 2020, Defendants filed two Motions to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (*see* Doc. 23 and 24).
2. Plaintiffs' current deadline to respond to both motions is October 23, 2020.

3. Having reviewed the Motions to Dismiss, supporting briefs and the complex and well-thought-out arguments raised therein, Plaintiffs anticipate filing an Amended Complaint and are considering whether or not to voluntarily dismiss several Defendants, without prejudice.

4. The decision to simply amend or to amend *and* voluntarily dismiss some Defendants requires careful consideration on the part of counsel, as well as the consent of each of the named estate representatives (which will necessitate the use of an interpreter).

5. In addition to the upcoming deadline to respond to Defendants Motions to Dismiss, Plaintiffs are also preparing a Motion to Remand in a related case in this District, *Fernandez v. Tyson, et. al.*, 6:20-cv-0279.

6. Consequently, Plaintiffs requested and Defendants agreed to provide a 14-day extension, to November 6, 2020.

7. This deadline has not been previously extended, the final pretrial conference has not been scheduled, and a scheduling conference to determine all other deadlines has not yet been held. *See L.R.7(j).*

8. Without expressing a view as to the specific contents of this motion, Defendants state that they do not oppose Plaintiffs' request for an extension of time to respond to Defendants' Motions to Dismiss to November 6, 2020.

WHEREFORE, Plaintiffs respectfully request that the Court extend the deadline to Respond to Defendants' Motions to Dismiss (Doc. 23 & 24) to November 6, 2020.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed and served on all counsel of record by way of the Court's electronic filing system on this 16th day of October, 2020

/s/ Thomas P. Frerichs